

**Statement of Rep. Edward J. Markey (D-MA)**  
**House Floor Debate on H.R. 4751**  
**Tuesday, September 14, 2004**

I rise in opposition to this bill.

Just think for a second about what's going on in the World this week.

The assault weapons ban expired yesterday, freeing the way to an assault weapons buying frenzy.

- The President said that if only Republicans in Congress would send him the extension, he would sign it.
- But make no mistake, President Bush and Congressional Republicans are 100% unified when it comes to shredding gun control laws.
- In fact, Republicans in Congress and the White House give new meaning to the term "Comrades-in-Arms".

On other stories, the economy remains stuck on the doldrums of a "jobless recovery" as companies continue to "offshore" jobs to foreign shores.

Oil prices remain high, with analysts expecting them to remain over \$40 a barrel for the foreseeable future and the prospect of skyrocketing home heating oil prices looming this winter.

The 9/11 Commission reports that fundamental reforms are needed in our intelligence operations to prevent another terrorist attack here at home.

Osama bin Laden is still at large and just last week his top deputy issued

a videotape threatening further attacks against the U.S. in the near future.

We are three weeks away from the start of the fiscal year and only 1 of the 13 appropriations bills needed to fund the federal government has been enacted.

We've now lost more than 1,000 troops in the War in Iraq, and we've suffered about 5,000 wounded with no end in sight.

North Korea may or may not have exploded a nuclear weapon and now we're finding out that the South Koreans have been working to enrich uranium and produce plutonium.

**So, what are we doing in the Congress of the United States this week? What important issues will we be debating? Will it be Iraq? Will it be the War on Terrorism? Will it be oil prices? Will it be the stagnant economy?**

**NO!!!!!!!!!!**

The Republicans have declared this week "LAWSUIT ABUSE WEEK" – a week in which they plan to bash the legal profession and pass bills aimed at making it more difficult for individuals sue companies that have caused them harm.

None of these bills is going to become law. None of them will get through the Senate. So, the Republican leadership has gone the extra mile to make these bills as extreme as possible.

The centerpiece of the week is the so-called “Lawsuit Abuse Reduction Act.”

It really should be called the Legislative Abuse Expansion Act.” This bill contains unconstitutional provisions that would force every state court to implement entirely new court rules and procedures.

The bill contains unfunded mandates that would force states to conduct an inquiry about what the outcome of the case will be, before discovery and trial have even taken place! How is a court supposed to do that? If a case isn’t lucky enough to be brought before Judge Carnac, the court may have to subpoena witnesses, hold evidentiary hearings, and ask the individuals involved in litigation proceedings to spend time and money on the new “pre-trial trial” mandated by this bill.

The three other bills we considered earlier today, HR 3369, HR 1787 and HR 1084 are nothing more than a solution in search of a problem to insulate various persons or organizations – non-profit athletic organizations, companies that donate goods to volunteer firefighters, volunteer pilot organizations and their members – with broad insulation from any legal liability. I haven’t seen any evidence that these bills solve any real problem, which is why I opposed them.

**The simple fact is that the amount of civil litigation in this country is not expanding. The Justice Department's Bureau of Justice Statistics and the National Center for State Courts track civil trials and verdicts in the nation's 75 largest counties reported in April that in the last decade, the number of cases had gone down, not up.**

The Bureau reported that the number of general civil cases disposed of by trial in the nation's largest counties declined from 22,451 in 1992 to 11,908 in 2001 — a 47% decline. The plaintiffs won about half the time, and the overall median award was \$37,000 in 2001, down from \$65,000 in 1992.

Why are we taking these bills up when there is no litigation explosion?

Why are we running roughshod over the rights of the states to set rules for their courts?

Why are we restricting the flexibility of judges to make reasoned decisions regarding when the lawyers appearing before them have engaged in improper or frivolous activity?

We are doing this for one reason only – because there are some who want to shut down the access that every citizen currently has to our legal system to seek justice and compensation when they have been harmed by the actions of a wealthy corporation. That is what this is all about.

I urge a NO vote on this legislation.